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Book Reviews

AMERICAN CITY PROGRESS AND THE LAW. By Howard Lee McBain. Columbia University Press, New York, N. Y. 1918 pp. 269. \$1.50.

This little book is an excellent monograph on the legal possibility of solving certain municipal problems according to the trend of present public opinion. There are nine chapters in the volume, and their character is indicated by mentioning those on "Breaking Down the Rule of Strict Construction of Municipal Powers," "Smoke and Billboards," "Building Heights and Zoning," and "Excess Condemnation." Such topics as these indicate the timeliness of the study, and its perusal will convince one of its serviceableness. It is a valuable legal study for the student of government, and it offers much of suggestion and instruction to the lawyer.

W. C. J.

JOSEPH H. CHOATE. By Theron G. Strong. Dodd Mead & Co., New York, 1917. pp. xvii, 390. \$3.00 net.

Mr. Strong writes of Mr. Choate as "New Englander, New Yorker, Lawyer, Ambassador," but does not profess to prepare a complete or authorized biography. It is a life of Mr. Choate as he appeared to outsiders, and the emphasis is laid rather upon Mr. Choate's qualities as man of wit, charm and eloquence than upon his more solid attainments.

The most interesting part of the book to lawyers is the long chapter dealing with Mr. Choate's life at the bar. The great quality in Mr. Choate's wit was its audacity and in his work as a lawyer this same quality is reflected. It sometimes got him into trouble,¹ and occasionally one has a sense of shock in reading of some of the things Mr. Choate did in court. But doubtless these things in black and white seem more extreme than they did in court with Mr. Choate's smiling and charming personality behind them. Occasionally he was perhaps guilty of wiles, but these were the current weapon of the old school of lawyers to which he belonged, and Mr. Choate was an adept in creating a favorable atmosphere for his case.

One is apt to forget that he participated as counsel in many historical decisions; for example, he represented Neagle in the case of *Ex parte Neagle*,² and acted also for the Stanford Estate in connection with the suit by the United States,³ and

¹ *Laidlaw v. Sage* (1899), 158 N. Y. 73; 52 N. E. 679, 689.

² (1890), 135 U. S. 1.

³ (1896), 161 U. S. 412.

his success in these and other matters showed his grasp of broad and diverse issues.

This biography is most readable and reminds one somewhat of Mr. Wellman's "Art of Cross-Examination" and "A Day in Court."

A. T. W.

A TREATISE ON THE LAW OF CONVERSION. By Renzo D. Bowers. Little, Brown & Company, Boston, Mass. 1917. pp. lx, 583.

This book supplies a commentary on the law of the conversion of chattels as determined by the American courts. More than six thousand cases are said to have been cited. The subject is clearly analyzed into chapters and sections. The law seems to be accurately stated.

The fact that the author does not warn us that his treatise is confined to American cases leaves us at first aghast that one should venture to discuss this subject without reference to such great English cases as *Fouldes v. Willoughby*, 8 M. & W. 540; *Greenway v. Fisher*, 1 C. & P. 190; *Hollins v. Fowler*, L. R. 7 H. L. 757; *Hiort v. Bott*, 9 Exch. 86, and others of similar character. *Fouldes v. Willoughby* is indeed cited, but only in a second-hand way.

The failure to have recourse to the more famous English cases, and, as we infer, to the considerable body of scholarly literature on topics associated with trover and conversion, causes the book to lack the larger generalization and instructive suggestion with which the subject is pregnant. In so far the work is disappointing.

But we do not wish to leave the impression that the book is not a valuable one. We believe that the profession will find it of much service for the guiding light which it will furnish to the lawyer who is keen on the track for authorities and for an illuminating statement of the law.

W. C. J.

INCOME TAX: LAW AND ACCOUNTING. By Godfrey N. Nelson. Macmillan Company, New York, N. Y. 1918. pp. xxiv, 364. \$2.50 net.

This is a straight-away exposition of the new tax laws of the federal government. It gives in consecutive outline all the provisions of the laws and the rulings made thereon by the Treasury Department up to the date of its publication. It makes no pretense to be a legal treatise. It is not a text book on accounting with incidental reference to the income tax returns. Yet the author is a member of the bar and a certified public accountant, so that the needs of both the lawyer and of the accountant are borne in mind. The work is accurate and conveniently arranged. No book on the income